

Translation

PATENT COOPERATION TREATY

PCT/EP2003/005401



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WA 2831-03WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/005401	International filing date (day/month/year) 23 May 2003 (23.05.2003)	Priority date (day/month/year) 01 June 2002 (01.06.2002)
International Patent Classification (IPC) or national classification and IPC F03D 1/00		
Applicant WOBBEN, Aloys		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 December 2003 (17.12.2003)	Date of completion of this report 13 September 2004 (13.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-7 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 2-5, 7 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1, 6 _____, filed with the letter of _____ 28 July 2004 (28.07.2004)
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following document:

D1: EP-A-1 101 934 (ENRON WIND GMBH) 23 May 2001.

2. The application does not meet the requirements of PCT Article 6, because claims 1 and 5 lack clarity.

2.1 According to its technical features, the newly submitted claim 1 is supposed to relate to a combination of a wind power installation and a vehicle. Claim 1 is directed to a wind power installation and, consequently, the definition of the subject matter of said claim lacks clarity (PCT Article 6).

2.2 The technical feature of claim 5 (a winch within the tower) contradicts the subject matter of the newly submitted claim 1, in which the winch is mounted outside the tower, on a vehicle. Therefore, the subject matter of claim 5 lacks clarity (PCT Article 6).

3. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1-7 does not involve an

inventive step within the meaning of PCT Article 33(3).

- 3.1 D1 is regarded as the prior art closest to the subject matter of claim 1. Said document discloses (the reference signs in parentheses refer to said document) a wind power installation (10) characterized by at least one turn pulley (64) and at least one rope passage (50) in the area of the tower head for guiding a traction rope (62) of a winch (60).

Therefore, the subject matter of claim 1 differs from the known wind power installation in that the winch is mounted on a vehicle, outside the tower, at the base of the wind power installation.

The solution proposed in claim 1 of the present application cannot be regarded as inventive (PCT Article 33(3)), because it is merely a matter of standard practice. For a person skilled in the art, applying said measure would be an obvious and routine technical approach to mounting the winch.

- 3.2 The same line of reasoning applies to independent method claim 6. Therefore, the subject matter of claim 6 likewise lacks an inventive step (PCT Article 33(3)).

- 3.3 Dependent claims 2-5 and 7 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step. The reasons therefor are the following:

The features of claims 2-5 and 7 are either directly evident from the figures in D1 or implied by the

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disclosure in D1. It would be an obvious and routine technical approach for a person skilled in the art to apply this measure.

4. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description neither cites D1 nor indicates the relevant prior art disclosed therein.